UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,265	02/22/2002	Mark Itwaru	SAB-028	9838

36822   7590   08/09/2007

GORDON & JACOBSON, P.C.
60 LONG RIDGE ROAD
SUITE 407
STAMFORD, CT 06902

EXAMINER
AGWUMEZIE, CHARLES C

ART UNIT	PAPER NUMBER
3621	

MAIL DATE	DELIVERY MODE
08/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

Application Number: 10/081,265
Filing Date: February 22, 2002
Appellant(s): ITWARU, MARK

AUG 0 9 2007

GROUP 3600

Ronald D. Faggetter
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed April 30, 2007 appealing from the Office

action mailed May 9, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5778173	**Apte**	**7-1998**
5729594	**Klingman**	**3-1998**
6704873	**Underwood**	**3-2004**

2003/0195843	Matsuda et al	10-2003
EP 0926611 A2	Furman	12-1998
6675008	Paik	6-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7.   **Claim 36**, the rejection of claim 36 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement is hereby withdrawn. Thus Appellant argument is moot.

8.   **Claim 26**, the rejection of claim 26 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention is hereby withdrawn.

9.   **Claim 36,** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 36, is simply vague and ambiguous and fails to particularly point out and

distinctly claim the subject matter which applicant regards as the invention. Specifically

it is not clear how the client can connect to the www server without a modem.

Claim Rejections - 35 USC § 102

10.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-16, 18-21, and 34, are rejected under 35 U.S.C. 102(b) as being

anticipated by Apte U.S. Patent No. 5,778,173.

As per **claim 1,** Apte discloses a method for enhancing security of network

transactions, comprising:

receiving, private network access information for accessing a private network and

a transaction identifier from a transaction server system (see figs. 1 and 2; col. 3, lines

28-59; "the user's computer receives the purchase order number (transaction-

specific)...the vendor directs or instructs the user to contact the appropriate transaction

server and may further provide the user with the server's telephone number");

provisioning a set of computer readable instructions with transaction-specific

information comprising said transaction identifier and said private network access

information (col. 1, lines 45-67; col. 3, lines 28-59; col. 4, lines 1-25; "the computer must

read or execute certain instruction in order to find/search for the transaction server's

phone number");

sending a message addressed to said client over said public Internet with a set of

computer readable instructions having transaction-specific information, said set of

computer readable instructions comprising access instructions for connecting said client

to a transaction server system on a private network such that sensitive information

relating to said transaction is directed to said transaction server system (col. 3, lines 28-

67; col. 4, lines 1-25, 30-43).

As per **claim 4**, Apte further discloses the method wherein said information

relating to a pending transaction comprises a vendor identifier, said transaction

identifier, and a purchase amount (col. 1, lines 45-65).

As per **claim 5**, Apte further discloses the method wherein said private network

access information comprises a flat rate telephone number (col. 3, lines 39-59).

As per **claim 6**, Apte further discloses the method wherein said private network

access information comprises a fixed charge per minute telephone number and a

number of minutes (col. 3, lines 39-59).

As per **claim 7**, Apte further discloses the method wherein said sending

comprises sending a location of said set of computer readable instructions (col.4, lines

8-29).

As per **claim 8**, Apte further discloses the method wherein said location is a

universal resource locator ("URL") (col. 4, lines 8-29).

As per **claim 9**, Apte further discloses the method wherein said location of said

set of computer readable instructions is sent to one of said vendor server and said client

(col.3, lines 39-59).

As per **claim 10**, Apte further discloses the method wherein said set of computer

readable instructions comprise a first code segment which, when loaded into a

processor of said client, cause said client to access said transaction server system on

said private network (col. 3, lines 15-27; col. 4, lines 8-29).

As per **claim 11**, Apte further discloses the method wherein said set of computer

readable instructions comprise a second code segment which, when loaded into said

processor of said client, cause said client to pass said transaction-specific information to

said transaction server system (col. 1, lines 45-67; col. 3, lines 15-27; col. 4, lines 30-

43).

As per **claim 12**, Apte further discloses the method for enhancing security of network transactions comprising:

receiving over public internet, information relating to a pending transaction between a vendor server and a client (col. 3, lines 28-58);

sending a message addressed to said client over said public Internet with a set of computer readable instructions having transaction-specific information, said set of computer readable instructions comprising access instructions for connecting said client to a transaction server system on a private network such that sensitive information relating to said transaction is directed to said transaction server system (col. 3, lines 28-67; col. 4, lines 1-25, 30-43)

wherein said message is a transaction message and further comprising, prior to said sending said transaction message, sending a set-up message with a set of computer executable instructions for determining resources of said client for connecting to said private network (col. 3, lines 15-27; "the software is downloaded and setup occurred prior to sending"; see also col. 4, lines 44-55).

As per **claim 13**, Apte further discloses the method further comprising receiving from said client over public internet an indication of resources of said client and provisioning said set of computer instructions based, in part, on said indication of resources (col. 3, lines 15-27).

As per **claim 14**, Apte further discloses the method wherein said set of computer

readable instructions further comprises instructions for determining resources of said

client for connecting to said private network (col. 3, lines 15-27).

As per **claim 15**, Apte further discloses the method further comprising sending

said information relating to a pending transaction to said transaction server system over

a secure link prior to said receiving a transaction identifier and private network access

information (col. 1, lines 45-67).

As per **claim 16**, Apte further discloses the method wherein said information

relating to a pending transaction further comprises a location of a data product which is

subject of said pending transaction and access codes for use in accessing said data

product (col. 4, lines 30-43, 56-63).

As per **claim 18**, Apte further discloses the method wherein said receiving and

said sending are performed at a web server and further comprising, at a transaction

server system: receiving customer-sensitive information and transaction identification

information consequent upon execution of said set of computer readable instructions at

a client; selectively sending transaction approval information (col. 4, lines 30-43).

As per **claim 19**, Apte further discloses a computer-readable medium storing

statements and instructions for use in the execution in a web server (col. 3, lines 15-25).

As per **claim 20**, A web server adapted for performing the method of claim 1 is an improper dependent claim as it recites no further limitation.

As per **claim 21**, Apte discloses a method for enhancing security of network purchase transactions, comprising:

receiving, over a public Internet, information relating to a pending purchase transaction between a vendor server and a client (col. 3, lines 39-59);

sending a message addressed to said client over said public Internet with a set of computer executable instructions for determining resources of said client for connecting to a private network (col. 3, lines 15-25).

As per **claim 34**, Apte further discloses the method wherein said receiving is receiving over a public internet (col. 1, lines 45-55).

As per **claim 35**, Apte further discloses the method wherein said information relating to a pending transaction further comprises said transaction identifier (col. 2, lines 39-54).

11.   **Claims 22-32,** are rejected under 35 U.S.C. 102(b) as being anticipated by Furman European Patent Application No. EP 0 926 611 A2.

As per **claim 22**, Furman et al discloses a method for enhancing security of

network transactions, comprising:

receiving information relating to a pending transaction over a secure link, said

information including access information for a data product (fig. 2A; 0020; 0021); and

determining an appropriate chargeable telephone number based upon said

purchase amount (fig. 2A; 0021);

storing said a transaction identifier, said telephone number, and said access

information (see figs. 2A, 2B and 2C; 0020; 0021; 0022) and

returning said transaction identifier and said telephone number over said secure

link (Fig. 2A).

As per **claim 23**, Furman et al further discloses the method further comprising:

receiving a telephone call made to said telephone number from a caller (fig. 2A);

during said call, receiving caller identity information (fig. 2A; 0022; 0023);

during said call, receiving said transaction identifier (fig. 2A; 0024);

storing said caller identity information with said transaction identifier (fig. 2A);

providing said access information to said data product to said caller (figs. 1, 2A

and 2B).

As per **claim 24**, Furman et al further discloses the method wherein said

telephone number is a flat rate number (0009).

As per **claim 25**, Furman et al further discloses the method wherein said

telephone number is a fixed charge per minute number and wherein said determining

further comprises determining a number of minutes based on said purchase amount

and storing said number of minutes (0009).

As per **claim 28**, Furman et al further discloses the method wherein said secure

link is a data network link (fig. 1).

As per **claim 30**, Furman et al further discloses the method wherein said

receiving comprises receiving said transaction identifier (fig. 2; 0021)

As per **claim 31**, Furman et al further discloses the method wherein said

receiving, said determining, said storing, and said returning are undertaken at a

transaction server (fig. 1).

As per **claim 32**, Furman et al further discloses the method wherein said

receiving is receiving from a facilitation server (Audio Browsing Platform) and said

returning is returning to said facilitation server (fig. 1).

Claim Rejections - 35 USC § 102

12.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 27 is rejected under 35 U.S.C. 102(e) as being anticipated by Underwood

U.S. Patent 6704873 B1.

As per **claim 27**, Underwood discloses an internet service provider having a

border gateway protocol table with an entry mapping at least one Internet Protocol

address to a port connected to a private network (fig. 126).

Claim Rejections - 35 USC § 103

13.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 17, is rejected under 35 U.S.C. 103(a) as being unpatentable over Apte

U.S. Patent No. 5,778,173 in view of Klingman U.S. Patent 5,729,594.

As per **claim 17**, Apte failed to disclose the method wherein said information

relating to a pending transaction includes an internet protocol ("IP") address of said

client and wherein said private network access information comprises an IP address

which an internet service provider ("ISP") of said client maps to a port connected over

said private network to said transaction server system.

Klingman discloses the method wherein said information relating to a pending

transaction includes an internet protocol ("IP") address of said client and wherein said

private network access information comprises an IP address which an internet service

provider ("ISP") of said client maps to a port connected over said private network to said

transaction server system (col. 18, lines 34-60).

Accordingly it would have been obvious to one of ordinary skill in the art at time of

applicant's invention to modify the method of Apte and incorporate the method wherein

said information relating to a pending transaction includes an internet protocol ("IP")

address of said client and wherein said private network access information comprises

an IP address which an internet service provider ("ISP") of said client maps to a port

connected over said private network to said transaction server system as taught by

Klingman in order to show ensure that the correct client is communicating with the

secure server.

14.   **Claims 26**, is rejected under 35 U.S.C. 103(a) as being unpatentable over Apte

U.S. Patent No. 5,778,173 in view of Matsuda et al U.S. Patent Application Publication

2003/0195843.

       As per **claim 26**, Apte discloses a computer readable medium storing computer-

readable instructions which, when read by a client, cause the client to:

       dial and establish a connection to a specific telephone number over a telephone

network (see fig. 1; col. 3, lines 39-55; col. 4, lines 7-44);

       send a transaction-specific identifier over said connection (col. 4, lines 30-44);

       receive a message over said connection with a universal resource locator (URL)

and password (col. 4, lines 8-25);

       drop said connection (col. 3, lines 15-27);

       connect to said URL over a public Internet (col. 6, lines 27-50).

       What Apte does not explicitly teach is display said password.

       Matsuda et al discloses a method that display password (0069; 0070)

       Accordingly it would have been obvious to one of ordinary skill in the art at time

of applicant's invention to modify the method of Apte and incorporate the method that

display said password as taught by Matsuda et al in order to further secure

communications with the transaction server by ensuring that the user is the right party.

Claim 29, is rejected under 35 U.S.C. 103(a) as being unpatentable over Furman

et al European Patent Application No. EP 0 926 611 A2 in view of Matsuda et al U.S.

Patent Application Publication 2003/0195843

As per **claim 29**, Furman et al fails to explicitly disclose the method wherein said

access information comprises a URL and a password.

Matsuda et al discloses method wherein said access information comprises a

URL and a password (0069; 0070).

Accordingly it would have been obvious to one of ordinary skill in the art at time

of applicant's invention to modify the method of Furman et al and incorporate the

method wherein said access information comprises a URL and a password as taught by

Matsuda et al in order to further secure communications with the transaction server by

ensuring that the user is the right party.

17.   **Claim 33**, is rejected under 35 U.S.C. 103(a) as being unpatentable over Furman

et al European Patent Application No. EP 0 926 611 A2 in view of Paik et al U.S. Patent

No. 6,675,008 B1.

As per **claim 33**, Furman et al failed to explicitly disclose the method wherein

said caller identity information comprises at least one of a caller line identification

(CLID) and a calling party name display (CPND).

Paik et al discloses the method wherein said caller identity information comprises

at least one of a caller line identification (CLID) and a calling party name display

(CPND) (col. 1, lines 20-30).

Accordingly it would have been obvious to one of ordinary skill in the art at time

of applicant's invention to modify the method of Furman et al and incorporate the

method said caller identity information comprises at least one of a caller line

identification (CLID) and a calling party name display (CPND) as taught by Matsuda et

al in order to further secure the network by identifying the calling party.

(10) Response to Argument

With respect to **claim 1**, Appellant argues that Apte lacks the recited features

"provisioning a set of computer readable instructions with transaction-specific

information comprising said transaction identifier and said private network access

information" and "sending a message addressed to a client over the public Internet with

set of computer readable instructions having transaction-specific information, said set of

computer readable instructions comprising access instructions for connecting said client

to a transaction server system on a private network."

In response, the Examiner respectfully disagree with the Appellant and submits

that Apte discloses the features "provisioning a set of computer readable instructions

with transaction-specific information comprising said transaction identifier and said

private network access information then sending a message addressed to a client over

the public Internet with set of computer readable instructions" (see col. 3, lines 28-58;

col. 6, lines 28-30 "...sequence of program segments instructing client what to do...")

and "sending a message addressed to a client over the public Internet with set of

computer readable instructions having transaction-specific information, said set of

computer readable instructions comprising access instructions for connecting said client

to a transaction server system on a private network." (col. 3, lines 28-67...the vendor

directs the user to contact the appropriate transaction server and may additionally

provide the user with the server's telephone number, which may, for example, be an

800 number...; col. 4, lines 1-25, 30-43). Appellant is reminded that the user computer

receives the purchase order number which is equivalent to transaction-specific

information...the vendor directs or instructs the user computer to contact the

appropriate transaction server and may further provide the user with the server's

telephone number. Alternatively, the computer looks up or searches for the transaction

server telephone number. The user computer is incapable of searching or looking up

the transactions server's telephone number if there is no executable code that instructs

the computer to do so. Finally a program code is downloaded to the user computer 10

which seamlessly redirects the computer 10 to the appropriate transaction server

without user intervention. Thus, Apte does disclose all the recited features of claim 1 as

shown in the rejection.

    With respect to **claim 5**, Appellant recites that claim 5, requires that the "private

network access information comprises a flat rate telephone number."

In response, Examiner asserts that an 800 telephone number inherently is a flat rate telephone number even though other billing made may be implemented.

With respect to **claim 6**, Appellant recites that claim 6 requires that the "private network access information comprises a fixed charge per minute telephone number and a number of minutes."

In response, Examiner asserts that such features are not only well known but are also inherently associated with telephone and telephone billings of which an 800 number and/or 900 number is part of telephone system that could comprise per minute telephone charge and the number of minutes.

With respect to **claims 7 to 9**, Appellant argues that Apte does not disclose "prior to said sending, "sending a location of said set of computer readable instructions over the said public internet."

In response, Examiner disagrees with Appellant's characterization and submits that the computer first uses the Universal Resource Locator (URL) of the vendor server and attempt to retrieve the phone number for its transaction server from locally stored directory. A URL is a pointer to the location of the computer readable instructions or information.

With respect to **claim 11**, Appellant states requires "said set of computer readable instruction comprise a second code segment which, when loaded into said processor of said client, cause said client to pass said transaction-specific information to said transaction server system."

In response, Examiner interprets this limitation as a computer code which is downloaded to the client 10 and causes the client to be redirected seamlessly to the transaction server on the private network so that user can pass sensitive information to the transaction server including the transaction identifier.

Appellant further argues that Apte user manually provides the transaction server with the purchase order number rather than any code segment on the computer automatically providing this information.

In response to Appellant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "automatically providing this information to the transaction server") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, Apte discloses that operations performed by the computer may be implemented programically by software... (col. 3, lines 30-40). Thus there is no line in Apte that supports that the information is provided manually as Appellant seems to argue.

With respect to **claim 12**, Appellant argues that Apte lacks "sending a message addressed to said client over said public Internet with a set of computer readable instructions having transaction-specific information" and prior to said sending said transaction message, sending a setup message addressed to said client over said public internet with a set of computer executable instruction for determining resources of said client for connecting to the private network."

In response, Examiner respectfully disagrees with Appellant's characterization and submits that prior to connecting to the transaction server, a download of setup and redirection code is downloaded to the client, which automatically configures the client for seamless redirection to the transaction server without intervention of the user. Of what purpose is the download of redirection code if the computer is not capable of connecting to the transaction server and the resources are not appropriate for such connection?

With respect to **claim 13**, Appellant state requires "receiving from said client over public internet an indication of resources of said client and provisioning said set of computer instructions based, in part, on said indication of resources"

In response, Examiner asserts that the only way the client can connect to the transaction server is that the resources are capable of making the connection. In the world of modems connected to the computer, an indication that the modem is working and ready to make a connection is an inherent feature that Appellant needs to recognize.

With respect to **claim 14**, Appellant state requires "said set of computer readable instructions further comprises instructions for determining resources of said client for connecting to said private network."

In response, Examiner asserts that the only way the client can connect to the transaction server is that the resources are capable of making the connection. In the world of modems connected to the computer, an indication that the modem is working

and ready to make a connection is an inherent feature that Appellant needs to recognize.

With respect to **claim 15**, Appellant state requires "sending said information relating to a pending transaction to said transaction server system over a secure link prior to said receiving a transaction identifier and private network access information." Thus Apte's implementation is opposite what is required in claim 15.

In response, Examiner submits that Apte clearly meet this limitation and refers Appellant to his own recited accounts of the transaction in Apte because it is not clear what Appellant is arguing. How can the transaction identifier obtained after the purchase and representing the transaction be sent to the transaction server before receiving the transaction identifier. The transaction identifier represents the transaction or the purchase which is subsequently sent to the transaction server for the payment of the transaction to take place.

With respect to **claim 17**, Appellant argues that no prima facie case of obviousness has been made out against claim 17.

In response to Appellant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Alternatively, KSR forecloses

the argument that a specific teaching, suggestion, or motivation is required to support a finding of obviousness.

With respect to **claim 21**, Appellant argues that Apte does not meet the limitation of claim 21.

See response to claim 14.

With respect to **claim 22**, Appellant argues that the 900 number is selected independently of the purchase amount.

In response Examiner disagrees and submits that the vendor transmits the transaction identifier associated with the purchased goods, the transaction amount along with the 900 to the customer via the internet. Thus the 900 number is associated with the transaction amount and the transaction details as a whole.

With respected to **claims 23, 24, 28, 30, 31, and 32**, Appellant argues depends on claim 22 and therefore not anticipated by Furman.

In response, Examiner asserts that these claims are anticipated by Furman as shown in the rejection.

With Respect to **claim 25**, Appellant argues that the claim is not anticipated by Furman.

In response, Examiner asserts that claim 25 is anticipated by Furman as shown in the rejection. Is 900 telephone number not a fixed charge per minute number? Telephone companies uses various charging method depending on customer contract ranging from fixed amount per month to per minute charge according to contract

agreement. In fact this is an inherent feature of telephone billing. Thus Furman does anticipate claim 25.

With respect to **claim 26**, Appellant argues that Apte does not disclose any of the recited features. Specifically that while Apte uses an internet connection to find telephone number, claim 26 recites using a telephone connection to find a URL. In order words, the feature of claim 26 is exactly opposite what is disclosed in Apte.

In response, Examiner disagrees with Appellants confusing argument. In Apte, see fig. 1, the computer 10 is affixed with a modem. Any connection from Apte computer 10 to anywhere (internet or transaction server) must therefore go through a telephone connection before any access to any URL can be made. So it is difficult to understand what Appellant is arguing about and how it is opposite to claim 26 requirements.

Appellant further argues that the combination of Apte and Masuda fails to show all features of claim 26 and therefore no prima facie case of obviousness has been made.

In response Examiner refers Board to the discussion on claim 17 regarding prima facie case of obviousness.

Appellant further traverses the rejection of claim 26 under 35 U.S.C 112.

In response, the rejection of claim 26 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention is hereby withdrawn. However, the "display said password" is simply a functional descriptive recitation of which an evidentiary

showing has been made as shown in the rejection. Thus the rejection should be sustained.

With respect to **claim 29**, Appellant argues that the 900 number is selected independently of the purchase amount.

In response, Examiner disagrees and submits that the vendor transmits the transaction identifier associated with the purchased goods, the transaction amount along with the 900 to the customer via the internet. Thus the 900 number is associated with the transaction amount and the transaction details as a whole.

With respect to **claim 33**, Appellant further argues that the 900 number is selected independent of the purchase amount.

In response, Examiner refers the Board to the preceding discussion on claim 29. Also In response to the obviousness argument Examiner refers the Board to the discussion on claim 17 regarding prima facie case of obviousness

With respect to **claim 36**, Appellant argues that the specification as originally filed contains support for "the client does not have a modem."

In response, Examiner withdraws the rejection under the 35 U.S.C First Paragraph, as failing to comply with the written description requirement but maintains the 35 U.S.C Second Paragraph rejection as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Appellant regards as his invention. This is because if the computer does not have a modem and thus no connection to www server, no indication of resources for example lack of modem may be made and no provisioning of computer readable instructions may be made from the

www server to the client which has no connection to the www server in the first place. How does a computer without a means of communication (no modem) obtain a transaction identifier from a www server that is displayed? Appellant is reminded that computer readable instructions are sent over public internet. Specifically claims 7 and 9 recites: "sending a location of said set of computer readable instructions over the said public internet." The computer readable instructions are on the www server. Thus the claim is vague and indefinite and the rejection under the 35 USC 112 second Paragraph should be sustained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.
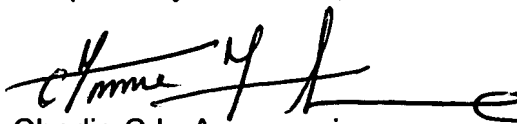
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

ANDREW J. FISCHER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Charlie C.L. Agwumezie
Patent Examiner
Art Unit 3621

Conferees:

Andrew J. Fischer, SPE 3621

Abdi Kambiz, SPE 3692

Ronald D. Faggetter
SMART & BIGGAR
438 UNIVERSITY AVENUE
SUITE 1500, BOX 111
TORONTO, ONTARIO
CANADA M5G 2K8

APPEAL CHART

Phrase No.	Claim Description		Apte Patent number No. 5,778,173
Claims 1	receiving information relating to a pending transaction		Purchase order number 209 (see fig 2)
	between a vendor server		Merchant web server 18 (see fig. 1)
	and a client		Client Computer 10 (see fig. 1)
	receiving, private network access information for accessing a private network		Telephone number of the transaction server 19
	and a transaction identifier from a transaction server system		Purchase order number 202 (see fig. 2)
	provisioning a set of computer readable instructions		redirection software code (col. 3, lines 15-25)
	with transaction-specific information		Purchase order number 202 & telephone number
	comprising said transaction identifier		Purchase order number 202 (fig. 2)
	and said private network access information		Telephone number of transaction server
	sending a message addressed to said client over said public Internet		Redirection message to contact transaction server, via Open internet (fig. 1),
	with a set of computer readable instructions having transaction-specific information		Purchase order number 202 and phone number of transaction server (see fig. 2)
	said set of computer readable instructions comprising access instructions for connecting said client to a transaction server system		Download redirection segment code which redirects client to transaction server seamlessly
	on a private network		Isolated trusted directory server (see fig. 1)
	such that sensitive information relating to said transaction is directed to said transaction server system		Credit card numbers –"sensitive data is never transmitted over the open www." (col. 2, lines 40-50)
Independent			

Claim 12			
	receiving over public internet, information relating to a pending transaction		Purchase order number 209 (see fig 2)
	between a vendor server		Merchant web server 18 (see fig. 1)
	and a client		Client Computer 10 (see fig. 1)
	sending a message addressed to said client over said public Internet		Redirection message to contact transaction server, via Open internet (fig. 1),
	having transction specific information		Purchase order number 202 & telephone number of the traction server 19 (see figs. 1 & 2)
	said set of computer readable instructions comprising access instructions for connecting said client to a transaction server system		Download redirection program segment code which redirects client to transaction server seamlessly
	on a private network		Isolated trusted directory server (see fig. 1)
	such that sensitive information relating to said transaction is directed to said transaction server system		Credit card numbers —"sensitive data is never transmitted over the open www." (col. 2, lines 40-50)
Independent claim 21			
	receiving, over a public Internet, information relating to a pending purchase transaction		Purchase order number 209 (see fig. 2)
	between a vendor server		Merchant web server 18 (see fig. 1)
	and a client		Client Computer 10 (see fig. 1)
	sending a message addressed to said client over said public Internet		Redirection message to contact transaction server, via Open internet (fig. 1; col. 3, lines 15-25),
	with a set of computer executable instructions		Redirection program segment
	for determining resources of said client for connecting to a private network		Setup of computer 10 to contact transaction server on private network
Independent claim 22			**Furman European Patent No. EP 0 926 611 A2**
	receiving information relating		Transaction identifier (see fig 2)

	to a pending transaction over a secure link	
	said information including access information for a data product	900 number (see fig 2)
	And determining an appropriate chargeable telephone number	900 number (see fig. 2)
	based upon said purchase amount	Price amount (see fig. 2)
	storing said a transaction identifier	Transaction identifier
	said telephone number	900 number
	and said access information	900 number to connect to transaction server
	returning said transaction identifier	Transaction identifier
	and said telephone number over said secure link	900 number via PSTN 130